IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

MOHAMMED GHALI §

VS. § CIVIL ACTION NO. 5:08-CV-135

KEITH ROY §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Mohammed Ghali, a prisoner confined at the Federal Correctional Institution in Texarkana, Texas, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). On January 21, 2009, the United States Supreme Court remanded a case to the Ninth Circuit for further consideration in light of *United States v*. *Santos*, __ U.S. __ , 128 S. Ct. 2020 (2008). *Moreland v. United States*, __ U.S. __ , 120 S. Ct. 997 (2009). Petitioner argues that the Supreme Court's action indicates that the holding in *Santos* is not limited to cases involving illegal gambling. Whether the Supreme Court eventually broadens the

application of Santos has no bearing on this case. Petitioner may not pursue habeas relief under

Section 2241 because his claims do not meet the requirements set forth in Reyes-Requena v. United

States, 243 F.3d 893, 904 (5th Cir. 2001). Therefore, after careful consideration, the court concludes

the objections are without merit.

ORDER

Accordingly, petitioner's objections are OVERRULED. The findings of fact and

conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's

recommendation.

SIGNED this 2nd day of July, 2009.

DAVID FOLSOM

UNITED STATES DISTRICT JUDGE

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